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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,875	11/09/2001	Nicholas A. Thomas	13660.36	4335

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EXAMINER	
LASTRA, DANIEL	

ART UNIT	PAPER NUMBER
3622	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/035,875	THOMAS ET AL.	
	Examiner	Art Unit	
	DANIEL LASTRA	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 May 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8-13,15-17,21,22 and 24-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8-13,15-17,21,22 and 24-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *05/08/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-6, 8-13, 15-17, 21, 22 and 24-29 have been examined. Application 10/035,875 (METHODS AND SYSTEMS FOR ELECTRONIC COUPON ISSUANCE TRANSMISSION AND MANGEMENT) has a filing date 11/09/2001 and Claims Priority from Provisional Application 60247104 (11/10/2000).

Response to Amendment

2. In response to Non Final Rejection filed 01/24/2007, the Applicant filed an Amendment on 04/24/2007, which cancel claim 23 and amended claims 1, 6, 8, 17, 26 and 29.

Claim Objections

3. Claim 15 is objected to because of the following informalities: Said claim recites "(Currently amended)" when said claim was not amended. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Said claims are recited as being dependent of a cancel claim. For purpose of art rejection, said claims would be made dependent of claim 17.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-6, 8-11, 13, 15-17, 21, 22 and 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fajkowski (US 5,905,246) in view of O'Hagan (US 5,821,512).

As per claim 1, Fajkowski teaches:

A system for utilizing an electronic coupon, the system comprising a vendor computer device configured to utilize the electronic coupon to provide a benefit (see column 4, lines 15-64);

a vendor wireless communication device electrically coupled to the vendor computer device (see col 15, lines 45-55).

a purchaser computer device configured to communicate with the vendor computer device at a point of sale (see column 4, lines 15-64); and

a short-range wireless communications device coupled to the purchaser computer device and in short-range wireless communication with the vendor computer device at the point of sale (see column 15, lines 45-60); wherein at least one of (i) the vendor computer device and (ii) the purchaser computer device is configured to manage

the electronic coupon (see column 4, lines 15-64). Fajkowski's periphery device 100 has a coupon card insertion port 104. Contained in said port 104 is a communication port 106 which would interface with communication 14 on coupon card. Communication port 106 is a light coupling device having a light emitting diode 145 and a light responsive transistor 146. When coupon card 1 is inserted into insertion port 104, a seating mechanism 105 (shown schematically by dashed lines in FIG. 13) within periphery device 100 will grasp coupon card 1 and position it to insure that periphery device light responsive transistor 146 may receive signals from coupon card light emitting diode 20, and that coupon card 1's light responsive transistor 21 may receive signals from periphery device 100's light emitting diode 145 (see col 15, lines 45-60). Fajkowski also teaches that "Communications port 14 is found on the back side of coupon card 1. In the embodiment shown, communications port 14 comprises a light coupling device having a light emitting diode 20 and a light responsive transistor 21. However, it is envisioned that communications port 14 could be any device for transmitting data that could carry out the functional requirements of the present invention. Such alternative communications ports may include infrared transceiver devices" (see col 9, lines 3-15). Applicant's specification page 19, lines 8-15 mentions that an example of a communication device that uses short-range communications includes an Infrared transceiver, such as an IrDA standard port. Therefore, because Fajkowski teaches that communication port 14 could be an infrared transceiver, where said transceiver is used to communicate with the vendor computer (i.e. periphery device) and the Applicant's specification mentions that an Infrared transceiver is one example of a device that

communicates in short-range wireless communication, then Fajkowski discloses the claim limitation of a short-range wireless communications device (i.e. Infrared transceiver) coupled to the purchaser computer device (i.e. coupon card) and in short-range wireless communication with the vendor computer device (*i.e.* periphery device) at the point of sale. Fajkowski does not expressly teach that the short-range wireless communication between the purchaser computer device and the vendor computer device at the point of sale is a radiofrequency communication. However, O'Hagan teaches a system that connects a purchaser computer device (*i.e.* handheld device) with a vendor computer using radiofrequency communication in order to transfer barcode data and product information between said purchaser and vendor device (see O'Hagan col 7, lines 20-30). Therefore, it would have been obvious to a person of ordinary skill in the art that Fajkowski's purchaser computer device radiofrequency receiver (see Fajkowski col 6, lines 60-67; figure 6, item 15) would communicate with a vendor computer (*i.e.* "periphery device"; see figure 1, item 100) using a wireless radiofrequency communication as O'Hagan teaches that it is old and well known to transmit data between a vendor and purchaser computer using radiofrequency communication.

As per claim 3, Fajkowski teaches:

A system as recited in claim 3, further comprising a secondary computer device configured to transceive the electronic coupon (see column 4, line 63 – column 5, line 38).

As per claim 4, Fajkowski teaches:

A system as recited in claim 1, wherein said secondary computing device is at least one of (i) a server; and (ii) a personal computer (see column 4, line 63 – column 5, line 38).

As per claim 5, Fajkowski teaches:

A system as recited in claim 1, wherein the purchaser computer device comprises at least one of (i) a cell phone; and (ii) a personal digital assistant (see column 6, lines 60-67).

As per claim 6, Fajkowski teaches:

A system as recited in claim 1, wherein the short-range wireless communications device employs wireless communication (see column 6, lines 60-67) to transfer the electronic coupon to the vendor computer device (see col 15, lines 45-65; col 9, lines 1-15). Fajkowski does not expressly that said communication is a radiofrequency communication. However, the same argument made in claim 1 regarding this missing limitation is also made in claim 6.

As per claim 8, Fajkowski teaches:

In a system that includes a purchaser computer device, a vendor computer device, and an electronic coupon, a method for utilizing the electronic coupon, the method comprising the steps for:

providing the electronic coupon (see column 4, lines 15-64);

transmitting the electronic coupon from the purchaser computer device to the vendor computer device using a short-range wireless communication between the

purchaser computer device and the vendor computer device (see col 9, lines 1-15; col 15, lines 45-65);

determining the validity of using the electronic coupon (see column 4, lines 14-64; col 17, lines 1-21);

if the electronic coupon is determined to be valid for use, providing a benefit to a user (see column 4, lines 14-64; col 17, lines 1-65);

determining the validity of using a second electronic coupon; comparing the electronic coupon with the second electronic coupon to determine which electronic coupon is preferred, wherein the benefit provided to the user corresponds to the preferred electronic coupon (see column 17, lines 1-21; col 19, lines 39-67). Fajkowski does not expressly that said communication is a radiofrequency communication. However, the same argument made in claim 1 regarding this missing limitation is also made in claim 8.

As per claim 9, Fajkowski teaches:

A method as recited in claim 8, wherein the electronic coupon is provided from the purchaser computer device to the vendor computer device (see column 4, lines 14-64).

As per claim 10, Fajkowski teaches:

A method as recited in claim 9, wherein the step for providing comprises at least one of the steps for:

(i) scanning the electronic coupon (see column 3, lines 50-67);

(ii) transmitting the electronic coupon via a wireless communication connection (see column 4, lines 6, lines 60-67); and

(iii) transmitting the electronic coupon via a hard-wired communication connection (see column 6, lines 20-30).

As per claim 11, Fajkowski teaches:

A method as recited in claim 8, wherein the step for determining comprises the step for verifying the identity of the user (see column 4, lines 1-8).

As per claim 13, Fajkowski teaches:

A method as recited in claim 8, wherein the electronic coupon is provided from a secondary computer device (see column 5, lines 15-64).

As per claim 15, Fajkowski teaches:

A method as recited in claim 8, wherein the step for comparing includes at least one of the steps for:

(i) examining an expiration date (see column 19, lines 50-67); and

(ii) determining which provides a greater benefit (see column 19, lines 50-67).

As per claim 16, Fajkowski teaches:

A method as recited in claim 15, wherein the greater benefit is determined based on at least one of:

(i) promptness in redemption;

(ii) frequency of purchase;

(iii) type of payment employed;

(iv) one or more products presented for purchase;

(v) one or more manufacturers of products presented for purchase; and

(vi) one or more vendors of products presented for purchase (see column 19, lines 15-67).

As per claim 17, Fajkowski teaches:

In a system that includes a first electronic coupon, a first computer device that provides the first electronic coupon, a second computer device that receives the first electronic coupon, and a third computer device that receives the first electronic coupon, a method for distributing the first electronic coupon, the method comprising the steps for:

providing the first electronic coupon at the first computer device (see column 4, lines 15-64), wherein the step for providing the first electronic coupon comprises the steps for populating a database on a server with a plurality of downloadable electronic coupons, wherein the first electronic coupon is one of the plurality of downloadable electronic coupons (see column 5, lines 15-65);

selectively transmitting the first electronic coupon from the first computer device to the second computer device to enable a benefit to be provided to a user of the second computer device (see column 4, lines 15-64); wherein the step for selectively transmitting comprises the steps for:

providing access to the database (see column 6, lines 20-30);

receiving a request for downloading the first coupon from the data base (see column 6, lines 20-30); and downloading the first electronic coupon to in response to the

request (see column 6, lines 20-30), wherein the request is initiated automatically based on preset criteria (see column 6, lines 60-67)

and selectively transmitting the first electronic coupon from the second computer device to the third computer device using a short-range wireless communication (see col 13, lines 55-65). Fajkowski teaches transferring coupon data wirelessly between different coupon cards. Fajkowski does not expressly that said communication is a radiofrequency communication. However, the same argument made in claim 1 regarding this missing limitation is also made in claim 17.

As per claim 21, Fajkowski teaches:

A method as recited in claim 19, wherein the request is selectively initiated by at least one of

(i) the user (see column 6, lines 60-67);

(ii) a vendor;

(iii) a manufacturer of a product; and

(iv) a provider of a service.

As per claim 22, Fajkowski teaches:

A method as recited in claim 19, wherein the step for downloading is performed across the Internet (see column 6, lines 20-30).

As per claim 24, Fajkowski teaches:

A method as recited in claim 17, wherein the first electronic coupon is an electronic data file stored locally on the second computer device (see column 6, lines 60-67).

As per claim 25, Fajkowski teaches:

A method as recited in claim 17, wherein the first electronic coupon is an electronic reference location on a network that references the first computer device to a location where the electronic coupon is stored (see column 6, lines 20-30).

As per claim 26, Fajkowski teaches:

A computer program product for implementing within a computer system a method for utilizing an electronic coupon, the computer program product comprising: computer readable medium for providing computer program code means utilized to implement the method, wherein the computer program code means is comprised of executable code for implementing the steps for:

providing the electronic coupon (see column 4, lines 15-64);

transmitting the electronic coupon from a purchaser computer device to a vendor computer device using a short-range wireless communication between the purchaser computer device and the vendor computer device (see col 9, lines 1-15; col 15, lines 45-60);

determining the validity of using the electronic coupon (see column 4, lines 15-64; col 17, lines 1-22);

if the electronic coupon is determined to be valid for use, providing a benefit to a user (see column 4, lines 15-64); determining the validity of using a second electronic coupon; and comparing the electronic coupon with the second electronic coupon to determine which electronic coupon is preferred, wherein the benefit provided to the user corresponds to the preferred electronic coupon (see column 17, lines 1-65; col 19, lines

39-67). Fajkowski does not expressly that said communication is a radiofrequency communication. However, the same argument made in claim 1 regarding this missing limitation is also made in claim 26.

As per claim 27, Fajkowski teaches:

The computer program product as recited in claim 26, further comprising computer program code means comprised of executable code for implementing the step for tracking information (see column 5, lines 15-64).

As per claim 28, Fajkowski teaches:

The computer program product as recited in claim 26, further comprising computer program code means comprised of executable code for implementing the step for providing a notification relating to the electronic coupon (see column 24, lines 20-55).

As per claim 29, Fajkowski teaches:

A computer program product for implementing within a computer system a method for distributing the electronic coupon, the computer program product comprising: computer readable medium for providing computer program code means utilized to implement the method, wherein the computer program code means is comprised of executable code for implementing the steps for:

providing the electronic coupon at a first computer device (see column 4, lines 15-64);

selectively transmitting the electronic coupon from the first computer device to a second computer device to enable a benefit to be provided to a user of the second computer device (see column 4, lines 15-64);

selectively transmitting the electronic coupon from the second computer device to a third computer device using a short-range wireless communication (see col 13, lines 55-67). Fajkowski teaches the wireless transfer of coupon data between different coupon cards (see figure 8).

determining the validity of using a second electronic coupon and comparing the electronic coupon with the second electronic coupon to determine which electronic coupon is preferred, wherein the benefit provided to the user corresponds to the preferred electronic coupon (see column 17, lines 1-65; col 19, lines 39-67). Fajkowski does not expressly that said communication is a radiofrequency communication. However, the same argument made in claim 1 regarding this missing limitation is also made in claim 29.

6. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fajkowski (US 5,905,246) in view of O'Hagan (US 5,821,512) and further in view of Kepecs (US 6,330,543).

As per claims 2 and 12, Fajkowski teaches:

A system as recited in claim 1, but fails to teach further comprising a biometric input device coupled to the purchaser computer device for positive identification of a user. However, Kepecs teaches a system that uses biometric identification for positive identification of a user (see column 12, lines 5-15). Therefore, it would have been

obvious to a person of ordinary skill in the art at the time the application was made, to know that Fajkowski would use the Kepec's biometric identification system to allow the provider of the coupon card services to identify each individual to whom a coupon card is registered. Biometric identification would replace the use of identification numbers to positive identify users.

Response to Arguments

7. Applicant's arguments with respect to claims 1-6, 8-13, 15-17, 21, 22 and 24-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC

Daniel Lastra
June 27, 2007

RA[illegible] ALVAREZ
PRIMARY EXAMINER